

## DfE Data Access form Data protection guidance

### Introduction

This guidance takes you through the Data Protection parts of the DfE Data Access form. The suggested text can be copied and pasted or edited as you require.

Please note, other parts of the form are not covered and you will have to tailor some of the suggested text below to your project.

For further information and help, please contact Rachael Maguire, the School's Data Protection Officer [r.e.maguire@lse.ac.uk](mailto:r.e.maguire@lse.ac.uk) or ext 4622.

### Section 3.4

1. First choose your lawful basis for processing. The lawful basis is the reason you want to process the data. For research, choose either public task (preferred) or legitimate interests.
2. You then have to provide justification for your choice of lawful basis.
  - a. For public task this should be something like 'this request fits within Article 6(1)(e) of the GDPR: the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The School's [Memorandum and Articles of Association](#) sets out in Section 3(II) that one of the public tasks of the School is: 'To organize, promote and assist research and the advancement of science and learning in the various branches of knowledge dealt with by the institution' then add how your specific research proposal is in the public interest.
  - b. For legitimate interests this should be something like 'This request fits within Article 6(1)(f) of the GDPR: the processing is necessary for the organisation's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's individual data that overrides those legitimate interests. [The School/the third party you are conducting research for or both] has a legitimate interest in conducting this research because [supply your reasons]. As the processing will be [mainly statistical/does not aim to produce detrimental real work effects on individuals] we believe the data subjects' rights will be undermined by the research.

### Section 3.5

1. First work out whether you are using any of the special categories data. These are personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation'.
2. If you are not using requesting this type of data, you can ignore this section If you are using this type of data choose Research as your lawful basis.

3. You then have to identify the right section of the Data Protection Act 2018. So copy and paste this sentence 'The processing meets the requirements of the Data Protection Act, Schedule 1, Part 1, Section 4 relating to research'.
4. You then have to state why this lawful basis fits the project, so include text like 'This request is for scientific research purposes, as [my/our] research will cover [add details relating to your research].
5. There is a box for further details but the others above should cover what you need to say.

#### Section 4.9

1. This section covers the several data subject rights. Unless you have specific information you want to include, just use the text below which contains the relevant links.
2. Right to be informed: 'The School's privacy notice for research subjects is available here: <https://info.lse.ac.uk/staff/divisions/Secretarys-Division/Assets/Documents/Information-Records-Management/Privacy-Notice-for-Research-v1.1.pdf>.'
3. Right of access, right of rectification, right of erasure, right to restrict processing, right to data portability, right to object, rights in relation to automated decision making and profiling are all covered by the School's subject request form, so use the same text for all of these: 'Through the School's website: <https://info.lse.ac.uk/Staff/Divisions/Secretarys-Division/Information-Rights-and-Management/Data-Protection>, in the Making a request section.'
4. Data Protection Impact Assessment evidence can be covered by the following text: 'The School's Data Protection Impact assessment template is available here: <https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/priImpTem.docx>. Staff and students are taken through the form by the Data Protection Officer to help identify the risks to processing.'